

268 CMR 3.00: Procedure For Licensure

By the [Division of Professional Licensure](#)

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3.01: Application and Licensing

(1) Application.

(a) Application for licensure must be made in the manner prescribed by the Board and/or on forms furnished by the Board. Applicants may purchase from the State Bookstore a copy of M.G. L. c. 112, §§ 201 through 210, as amended, regarding dietitian/nutritionist and the regulations of the Board: 268 CMR et seq. Licensees are required to be familiar with 268 CMR.

(b) No application shall be acted upon by the Board unless said application is made on forms which are furnished by the Board, and unless said application is completely and properly filed out in the manner prescribed by the Board, signed under the penalties of perjury, and accompanied by such other information that the Board may require.

(2) Licensure.

In order to be licensed as a dietitian/nutritionist, applicants for original license must meet the requirements for licensure pursuant to M.G.L. c.112, § 203, to wit:

- (a) be at least 18 years old;
- (b) be of good moral character;

(c) possesses a bachelor's degree, its equivalent or higher;

Acceptability of Degree Programs: An applicant's educational degree shall be accepted by the Board if the educational institution or program which awarded that degree is accredited by an organization or entity which has been recognized by the United States Department of Education, or any like institution approved by the Board, as an appropriate accrediting body for the degree program in question. The Board may, at its discretion, grant an applicant credit towards satisfaction of the baccalaureate degree requirement for education received at an institution outside of the United States if the applicant submits proof satisfactory to the Board that such foreign education is substantially equivalent to that provided in a baccalaureate degree program in an institution accredited by the United States Office of Education.

1. A bachelor's degree, its equivalent, or higher, shall be with a major course of study in dietetics and nutrition, human nutrition, nutrition education, or public health nutrition, or
2. The bachelor's degree, its equivalent, or higher with a reasonable threshold of undergraduate level academic credit hours in nutrition and nutrition sciences as determined by the Board, and shall, at a minimum, include:
 - a. Biological Sciences: nine semester hours (must include human anatomy and physiology or equivalent, and microbiology or equivalent, and
 - b. Chemistry: six semester hours (must include biochemistry or equivalent, and
 - c. Behavioral Sciences: three semester hours (such as psychology, sociology, cultural anthropology, counseling, or educational psychology, and
 - d. Foods and Nutrition: 24 semester hours which must include at the least three semester hours in each of the following categories:
 - i. diet therapy, medical dietetics, clinical nutrition or equivalent;
 - ii. nutrition through life cycle, applied human nutrition, advanced human nutrition or equivalent;
 - iii. foods, food science, food composition and menu planning, food service management or equivalent.

(d) have successfully completed a Board approved clinical internship or supervised professional experience;

1. a formal, post baccalaureate internship approved by the Board of not less than 900 hours in the field of dietetics and nutrition supervised by a licensed dietitian/nutritionist; or
2. comparable paid professional experience that satisfies the Board that the licensee is competent to practice as a licensed dietitian/nutritionist. Paid professional experience includes, but is not limited to, appropriate activities as described in 268 CMR 5.01.

The experience must consist of a minimum of 32 hours per week of employment; fewer hours will be prorated.

Evidence of experience shall typically include a job description, with verification from an immediate supervisor, and a resume of jobs or positions for the following required amounts:

- a. three years of post baccalaureate paid professional experience in the field of dietetics and nutrition; or
- b. two years of post masters degree paid professional experience in the field of dietetics and nutrition; or
- c. one year of post doctorate paid professional experience in the field of dietetics and nutrition.

(e) have passed a written or electronic competency examination approved by the Board and designed to test the competency and knowledge needed to practice; and

(g) have paid the appropriate fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

~~3~~ "Grandparenting" Licensure.

~~Applications received prior to June 1, 2001, as provided for by St. 2000, c. 159, § 319, the Board in its discretion may waive the education requirement for the applicant, if the Board determines that the applicant's combined professional and education credentials qualify the applicant for licensure and shall grant a license without examination if the applicant meets the requirements of sections 268 CMR 3.01(2)(a), 3.01 (2)(b), 3.01 (2)(c) and 3.01(2)(f) and~~

~~(a) submits evidence satisfactory to the Board of paid professional practice in the field of dietetics and nutrition for five years out of the last ten years. Such evidence shall, at a minimum, include a comprehensive job description and verification from an immediate supervisor, and an updated resume; or~~

~~(b) provide evidence of current registration as a Registered Dietitian by the Commission of Dietetic Registration.~~

(43) Licensure by Reciprocal Recognition.

The Board, upon receipt of the required fee and a completed application on a form provided by the Board, pursuant to M.G.L. c.112, § 208, may issue a license without examination and by reciprocal recognition to any person who holds a license, certification or registration as a dietitian/nutritionist, or the equivalent thereof as determined by the Board, issued by another state or jurisdiction, provided that:

(a) the requirements and standards for that license, certificate or registration are substantially equivalent to or exceeds the standards of the Commonwealth as determined by the Board; and

(b) the applicant has not had his or her license, certification or registration in that other jurisdiction revoked, suspended, or otherwise encumbered as a result of formal disciplinary proceedings instituted by the government agency responsible for licensure, certification or registration in that jurisdiction.

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3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

(1) Requirements for Renewal of a License.

(a) With the exception of the original license issued by the Board, each licensee must renew their license every two years. Said original license shall be valid from the date of issue for a minimum period of 24 months and shall expire on the birthday of the licensee next following the end of such period. Each subsequent license renewal date shall be on the second anniversary of that birth date. Individuals with a birth date of February 29th shall have an expiration date of March 1st.

(b) A Licensee must submit to the Board, or its agent, a completed written or electronic renewal application form prescribed by the Board and shall pay the required renewal fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B, not less than 30 days prior to the expiration date of the license.

(c) As a condition for renewal, each licensee must certify, under the pains and penalties of perjury, that he or she has completed the continuing education requirements of at least 30 hours every two years for licensed dietitian/nutritionists pursuant to M.G.L. c.112, § 207 and 268 CMR 4.00 et seq. The Board, at its discretion, may conduct random surveys for compliance of this section and reserves the right to require any licensee to submit written documentation satisfactory to the Board of his or her completion of all or any part of such continuing education requirements.

(2) Procedures for Renewal of a Lapsed/Expired License.

(a) If a licensee fails to meet the requirements for license renewal as set forth in 268 CMR 3.02(1), the license of such person shall be considered expired and not in good standing. A person with an expired license is not authorized to practice as a Licensed Dietitian/ Nutritionist for compensation, or to use the title "Licensed Dietitian/Nutritionist" during the period in which the license is expired.

(b) If a person allows his/her license to lapse, but attempts to renew within one license renewal period of two years from the date of expiration, the applicant may obtain renewal of his/her license by submitting a completed renewal

application, together with the required evidence of continuing education, pay the appropriate fee for renewal and any late fee as may be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, §3B to the Board.

(c) If a person allows his/her license to lapse, does not renew for one license renewal period of two years from the date of expiration, but thereafter attempts to renew his/her license, the Board may grant renewal upon its discretion. The Board may require the applicant to: appear before the Board, take an examination, to document continued professional competency, complete all continuing education requirements from the date of expiration of his/her license, and/or to practice under supervision prior to, or as a term of condition of, issuing a late renewal license. Said applicant, if reinstated, shall pay all back renewal fees, the current renewal fee, and any late fees as may be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B to the Board.

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3.03: Procedures for Reinstatement of a License that has been Revoked, Suspended, Surrendered or Placed on Probation

Procedures for the reinstatement of a license after discipline shall be determined by guidelines established by the Board or, in specific matters, by consent agreement or decision and order of the Board.

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3.04: Communication with the Board

(1) Official Mailing Address.

Each licensee, pursuant to M.G.L. c. 112, § 210, shall provide the Board with a current and principal business or home address which will suffice as the legal address for the receiving of official process and notification from the Board. Licensees failure to provide an official address may result in default judgement or independent disciplinary action for such failure.

(2) Change of Address.

Licensee, pursuant to M.G.L. c 112, § 210, shall immediately give written notification to the Board of any change of legal address.

(3) Responding to the Board.

Licensee shall, unless otherwise directed, respond within 30 days to a written communication from the Board, or its designee, and shall make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the licensee's conduct or professional practice. The 30 day period commences on the date the Board sends the communication by registered or certified mail return receipt requested to the licensee's last known address.

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3.05: Licensee Fee

License and other applicable fees are established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B. There is no provision for proration of fees for those applying between renewal dates.

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3.06: Late Filing Fee

Renewal forms and fees postmarked after the due date will be subject to a late filing fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B.

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3.07: Reimbursement of Fees

Application and license fees are not refundable.

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REGULATORY AUTHORITY:

268 CMR 3.00: M.G.L. c. 13, § 11D, c. 112, §§ 201 through 210

268 CMR 4.00: Continuing Education

By the [Division of Professional Licensure](#)

- 4.01: [Continuing Education Requirements](#)
 - 4.02: [Verification/Approval of Licensee's Continuing Education Activities](#)
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4.01: Continuing Education Requirements

(1) Licensed Dietitians/Nutritionists are required, as a condition of license renewal, pursuant to M.G.L. c.112, § 207, and 268 CMR 3.02(1)(c), to complete a minimum of 30 units of continuing education activities every two years.

(2) A unit of continuing education shall be a minimum of 50 minutes of organized learning experience [and must address the Field of Dietetics and Nutrition](#). The Board, in its discretion, may approve other programs of continued professional competence that contribute to a licensee's professional growth.

(3) Board approved continuing education activities shall include, but are not limited to, the following:

(a) Successful completion of an educational program, course, seminar, or workshop, sponsored by an approved organization, as described in 268 CMR 4.03(2).

(b) Authorship of published books, chapters of published books, articles in refereed journals, research projects, and/or other such publications approved by the Board related to the science or practice of nutrition. A maximum of three units may be credited for each book chapter, article or project.

(c) Instruction or presentation of an academic course, workshop, poster session, or seminar for the first time. Credit for two units of continuing education will be given for each unit taught or presented.

(d) Successful completion of an academic course related to contemporary nutritional practice and offered by an educational institution or program recognized by the United States Department of Education. Each semester hour shall equate to 15 continuing education units; trimester hours shall equate to 12 units; quarter hours shall equate to ten units.

[\(4\) Activities that address marketing, management, or other business or technical skills without also addressing the Field of Dietetics and Nutrition will not be accepted.](#)

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4.02: Verification/Approval of Licensee's Continuing Education Activities

(1) The licensee shall maintain adequate documentation of continuing education activities, which shall include, but not be limited to, the following:

(a) For each continuing education unit earned by participation in a continuing education program, a licensee must be able to provide documentation of the following:

1. the title of the program or course;
2. the number of hours spent in the program or course;
3. the name of the Board-recognized entity or the academic institution that sponsored the program or course; and
4. the date(s) and location that the program or course was given.

(b) For each continuing education activity unit earned from publication, the Board may require the licensee to provide a copy of the book, chapter, research project or article. The licensee must be able to provide complete bibliographic documentation including: the date of publication; the title of the book, chapter, research project or article and, in the case of a chapter or article, the title of the book or name of the journal in which it appears.

(c) For each continuing education activity unit earned by the teaching or presentation of courses, workshops, poster sessions or seminars, the licensee must be able to document the following information:

1. the title of the course or poster session;
2. date(s) of participation;
3. institution or sponsoring agency; and
4. the number of hours the licensee spent teaching or presenting.

(d) For each academic course completed, the licensee must be able to provide a transcript showing successful course completion, as indicated by a passing grade or formal course-audit status.

(2) As provided for in 268 CMR 3.02(1)(c), the Board may conduct random surveys for compliance of the documentation of any licensee's continuing education. Upon request, the licensee shall provide the documentation described in 268 CMR 4.02(3) Failure to provide required documentation or to complete the continuing education requirements for renewal, may result in non-renewal of a license or other disciplinary action by the Board.

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4.03: Verification/Approval of Provider Continuing Education Programs and Activities

(1) For a program to be eligible for approval for continuing education hours, it shall contribute to the growth of an applicant in professional competence in nutritional practice.

(2) Course work meeting the requirements of 268 CMR 4.03(1) and endorsed or sponsored by the following organization shall be deemed approved for continuing education hours:

- (a) The Commission on Dietetic Registration;
- (b) Boards of Licensure of other states;
- (c) Courses offered by governmental agencies;
- (d) Academic courses or continuing education programs offered by accredited academic institutions offering degrees related to professional practice; and
- (e) Organization so designated by the Board.

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4.04: Waivers of Continuing Education Requirements

The Board may, at its discretion, fully waive or extend the deadline of the continuing education requirements for any licensee who, for reasons of health, disability, out of state military service, or undue hardship, cannot meet the requirements. Licensees shall submit such requests to the Board in writing.

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REGULATORY AUTHORITY:

268 CMR 4.00: M.G.L. c. 13, § 11D, c. 112, §§ 201 through 210.

268 CMR 6.00: ~~Discipline~~Reserved

By the ~~Division of Professional Licensure~~

- ~~6.01: Investigation of Complaints~~
- ~~6.02: Grounds for Disciplinary Action~~
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6.01: Investigation of Complaints

~~(1) The Board, or its agent, shall investigate any and all complaints which allege that a licensed dietitian/nutritionist certified by the Board has violated any provision of M.G.L. c. 112, §§ 201 through 210, any rule or regulation of the Board, or any other state or federal law or regulation pertaining to the professional conduct or activities of the licensee; or has otherwise engaged in improper, unethical or illegal conduct.~~

~~(2) No person who files a complaint, reports or provides information to the Board in connection with the investigation of a complaint, or otherwise assists the Board in discharging its duties and functions, shall be held liable in any cause of action arising out of these activities, as long as the person making the complaint or providing such information or assistance does so in good faith and without malice.~~

~~(3) All complaints, reports, records, documents or other information received or kept by the Board in connection with any investigation conducted by the Board, or its agent, pursuant to 268 CMR 6.01(1) shall remain confidential until such time as the Board has disposed of the matter by dismissing the complaint, issuing an Order to Show Cause, or taking other final action on said complaint.~~

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6.02: Grounds for Disciplinary Action

~~The Board may, by majority vote after a hearing conducted in accordance with M.G.L. c. 30A and 801 CMR 1.00 et seq., take disciplinary action against any licensed dietitian/nutritionist certified by the Board pursuant to M.G. L. c. 112, §§ 201 through 210 and 268 CMR 6.00. Grounds for such disciplinary action shall include, but not be limited to:~~

~~(1) Engaging in, authorizing, or aiding or abetting fraud, deceit, misrepresentation of material facts, the provision of false or forged evidence, or bribery in connection with any application for a certificate of licensure issued by the Board;~~

~~(2) Violating any provisions of the laws of the Commonwealth relating to the authorized practice as a licensed dietitian/nutritionist or any rule or regulation promulgated by the Board thereunder;~~

~~(3) Engaging in gross misconduct in the practice of his or her profession as a licensed dietitian/nutritionist;~~

~~(4) Engaging in practice which is fraudulent or beyond the authorized scope of practice for a licensed dietitian/nutritionist;~~

~~(5) Practicing with gross incompetence or gross negligence on a particular occasion, or with negligence on repeated occasions;~~

~~(6) Practicing while his or her ability to practice is impaired by alcohol, drugs, physical disability or mental illness;~~

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(7) Being habitually intoxicated by, or engaging in the current, unlawful use of, alcohol, narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects;

(8) Knowingly permitting, or aiding or abetting, an unlicensed person to perform activities which require a license for purposes of fraud, deception or personal gain, excluding activities which are permissible under any provision of the laws of the Commonwealth relating to the training of dietitian/nutritionist in authorized health care institutions and facilities;

(9) Having been convicted, or having submitted to the facts, of any criminal offense which reasonably calls into question his or her moral character, fitness or ability to practice as a licensed dietitian/nutritionist; or

(10) Violating any provision of M.G.L. c. 112, §§ 210 through 210 or any rule or regulation promulgated by the Board thereunder.

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6.03: Summary Suspension

(1) Pursuant to M.G.L. c. 112, § 202(9), the Board may summarily suspend the license of licensees who pose an immediate danger to the public provided a hearing is afforded to the licensee, pursuant to M.G.L. c. 30A, within seven days of the Board's action to determine whether such summary action was warranted.

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6.04: Discipline

The Board, pursuant to M.G.L. c. 112, § 205, may take disciplinary action against any applicant or licensee which may include any or all of the following actions:

(1) denial, suspension, revocation or cancellation of, or refusal to renew such license;

(2) placement of such a license on probation;

(3) reprimanding or censuring the holder of such license;

(4) assessing upon the licensee a fine not to exceed \$ 5,000 for each violation;

(5) requiring the licensee to perform, for each violation, up to 100 hours of community service in a manner and time to be determined by the Board;

(6) requiring the licensee to complete additional education and training as a condition of retention or reinstatement of such license, or requiring an applicant for such license to complete additional education and training as a condition for future consideration of such application;

(7) requiring the licensee to practice under appropriate supervision for a period of time as determined by the Board as a condition of retention or reinstatement of such license, or requiring an applicant for such license to practice under appropriate supervision for a period of time as determined by the Board as a condition for future consideration of that application;

(8) requiring the licensee to participate in an alcohol or drug rehabilitation program or undergo drug testing, or both, as a condition of retention or reinstatement of such license, or requiring an applicant for such license to participate in an alcohol or drug rehabilitation program or undergo drug testing, or both, as a condition for future consideration of such application; and

(9) requiring the licensee to make restitution of not more than \$50,000, where appropriate.

Nothing in 268 CMR 6.04 shall be deemed a limitation on the Board's authority to impose such sanctions by consent agreement as are deemed reasonable and appropriate by the Board in the exercise of its duties and responsibilities.

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REGULATORY AUTHORITY:
~~268 CMR 6.00: M.G.L. c. 13, § 11D, c. 112, §§ 201 through 210.~~

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